



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## MARIETTA HISTORIC BOARD OF REVIEW

*David Freedman, Chairman*  
*Terry Lee, Vice Chairman*  
*James Eubanks, Secretary*  
*Atty. Thomas J. Browning, Board Member*  
*Douglas Frey, Board Member*  
*Atty. J. Alfred Johnson, Board Member*  
*Rebecca Nash Paden, Board Member*  
*Dave Reardon, Board Member*  
*Tom Samples, Board Member*  
*Ray Worden, Board Member*  
*Brett C. Bittner, Board Member*

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Monday, May 16, 2011

5:30 PM

Council Chamber

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**Present** 11 - Douglas Frey, David Freedman, Raymond Worden, Rebecca Nash Paden, Tom Samples, Terry G. Lee, Thomas J. Browning, Dave Reardon, J. Alfred Johnson, James Eubanks, and Brett Bittner

*Also Present:*

*Gregg Litchfield, Attorney for the Board*  
*Former Mayor Bill Dunaway*

*Staff Present:*

*Brian Binzer, Development Services Director*  
*Russell Roth, Planning and Zoning Manager'*  
*Shelby Little, Urban Planner*  
*Norma Higgins, Recording Secretary*

### CALL TO ORDER:

*Chairman Freedman called the Marietta Historic Board of Review Meeting to order at 5:30 p.m.*

### MINUTES:

**20110418**

Regular Meeting Minutes

**Review and approval of the April 18, 2011 Marietta Historic Board of Review Meeting Minutes**

*Board member Samples made a motion to approve Minutes from the April 18, 2011 meeting, seconded by member Frey.*

*Vote: 10-0-0*

*Board member Browning arrived at 5:35 p.m.*

**BUSINESS:**

**20110471**

**Rules and Procedures**

Adoption of procedural rules for conducting public hearings

*The Board agreed there should be time limits placed on applicants and members of the audience that want to speak during meetings.*

*Board member Reardon made a motion to allow applicants and those in favor to have a total of 15 minutes to make their presentation to the Board. Applicants and those opposed have a total of 15 minutes to make their presentation to the Board, seconded by member Lee.*

*Vote: 10-0-0*

**20110225**

**Marietta Properties, LLC - 67, 77, & 87 North Park Square and Root Street - Parcels 3, 4, & 5**

MARIETTA PROPERTIES, LLC requests a certificate of approval for new construction on the property located in Land Lot 10140, District 16, Parcel 12182, 2nd Section, Marietta, Cobb County, Georgia and being known as 67, 77 and 87 North Park Square. Ward 5.

*Philip M. Goldstein submitted to the Board a document regarding supplemental information and constitutional and statutory objections for the Application of Approval filed by Marietta Properties, LLC. on 3-9-2011 for construction of a five story building and stated he would like to have it filed for the record.*

*Mr. Goldstein presented his application and answered questions from the Board. Chairman Freedman recognized Steve Imler to speak, Mr. Imler urged the Board to approve the application under the new height ordinance. Former Mayor Bill Dunaway was recognized to speak, he urged the Board to require real brick and not brick veneer to be used on the building.*

*Gregg Litchfield, attorney for the Board, stated that it is his recommendation the motion be approved based on the new ordinance, Legistar # 20110196, Ordinance # 7524.*

*Board member Johnson made a motion to approve the Marietta Properties, LLC application under the old rules, seconded by member Browning.*

*Discussion was held.*

*Board member Paden made a substitute motion that the building be approved under the present height limit of 42' with a 12' setback for a total of 54' and I would like to mention using real brick similar to color and style, but I won't put that in the motion, and to work with the builder to have the building conform to other buildings on the Square, seconded by Board member Worden. Chairman Freedman restates the motion for a vote, (Motion to approve the application for the new building at the present height limit of 42' with a 12' setback for a total of 54').*

*Board member Bittner comments that Mr. Goldstein wishes to construct a building on the property he owns, and he is sure that everyone agrees that the 6' hole is less than desirable and an eyesore on the Marietta Square. Board member Bittner believes the substitute motion would not allow Mr. Goldstein to improve his property as he wishes and if the new ordinance applies here, it should apply retroactively to all previous applications.*

*Board member Browning comments that new policy/ordinance has been directed toward one person. Board member Lee asked if approval of this application would stop the suit against the city of Marietta.*

*Board member Frey comments that the application is vague and that more detailed information is needed to determine exactly what will be built.*

*Vote: 2-9-0 members Paden, and Worden voted for the motion – Motion fails*

*A vote was taken on member Johnson's original motion to approve the application under the old rules.*

*Vote: 5-5-1 member Eubanks abstained*

**20110445**

**39 North Park Square**

Ronald L. Wilson, requests a certificate of approval for a roof repair at the property addressed as 39 North Park Square

*Board member Eubanks made a motion to approve the request, seconded by member Frey.*

*Vote: 11-0-0*

**20110446**

**77 North Park Square**

Ronald L. Wilson, requests a certificate of approval for repairs/renovations at the property addressed as 77 North Park Square.

Ronald L. Wilson, requests a certificate of approval to install a temporary 6' high, dog-eared wooden fence at the property addressed as 77 North Park Square.

**NOTE JOB DETAILS BELOW:**

1. Remove chain-link fence and install temporary six foot high, dog-eared wood fence
2. Repair damaged brick in wall
3. Remove unusable chimneys and parapet walls
4. Remove old bitumen roof below membrane
5. Make temporary repairs to corner brick (front N. Park Square)
6. Landlord Option: Apply beige parge (stucco) coat over brick west wall

*Board member Eubanks made a motion to approve the request, seconded by member Frey.*

*Vote: 11-0-0*

**20110448**

**19 Powder Springs Street**

Philip M. Goldstein, requests a certificate of approval to remove an existing platform in front of a door located on the side of the building (Anderson Street) for the property addressed as 19 Powder Springs Street. The platform will be replaced with concrete stairs.

*Board member Frey made a motion to approve the request, seconded by member Samples.*

*Vote: 11-0-0*

**20110449**

**Sarah Jean's Ice Cream - 109 North Park Square**

Steve Cook, requests a certificate of approval to remove a 6' x 20' piece of wooden siding, this will be replaced with Hardy Siding panels measuring 4' x 8'. The new siding and trim will be painted with Lowe's Valspar Signature paint, color # W39005A (Steel).

*Board member Samples made a motion to approve the request, seconded by member Lee.*

*Vote: 10-0-1 member Frey abstained*

*Board member Frey stated he was not against; he would like to see something else*

**20110467**

**Wilson Brothers Jewelers - 73 Church Street**

Stephen Wilson, of Wilson Brothers Jewelers, requests a certificate of approval for one-way vision vinyl screens on two front windows of the property addressed as 73 Church Street. The screens block UV light and help keep the building cool.

*Board member Johnson made a motion to grant a variance to allow vinyl window screens, seconded by member Bittner.*

*Vote: 10-0-1 member Browning abstained*

**20110469**

**GA Dance Conservatory - 49 West Park Square**

Ronald L. Wilson, requests a certificate of approval to make repairs to the stucco on the side of the building (facing Mill Street) for the property addressed as 49 West Park Square. Several areas on the side of the building will be repaired using the same or similar color stucco.

*Board member Bittner made a motion to approve the request, seconded by member*

*Lee.*

*Vote: 11-0-0*

**20110470**

**Lucky Draw Tattoo & Gallery - 11 Atlanta Street**

**Margaret and Phillip Duke, with Lucky Draw Tattoo & Gallery, request a certificate of approval to replace the material and signage on the present awning with a new Cooley-Brite, Lite Lemon Yellow type fabric for the property addressed as 11 Atlanta Street.**

*Board member Eubanks made a motion to approve the request for the awning as presented and deny the neon sign in the window and to include a variance to use the existing frame, seconded by member Browning.*

*Vote: 9-2-0 members Paden and Bittner opposed*

**ADJOURNMENT:**

*Chairman Freedman announced the HPC is partnering with the Friends of Brumby Hall and are hosting an Open House next Thursday, May 26<sup>th</sup> at Brumby Hall.*

*Meeting adjourned at 7:10 p.m.*

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*David Freedman, Chairman*

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*Norma Higgins, Secretary*